

REMARKS

Claims 1-9 are currently pending within this application. Claims 10-15 from have withdrawn from consideration in light of the election made without traverse and acknowledged by the Office. No claims have been amended, added, or canceled. The amendments to the specification have merely clarified the description of the drawings as required by the Office in the objection thereto. The amendments to the paragraph beginning on line 6 of page 11 of the originally filed specification merely clarified the missing descriptions for numerals 105 and 600. As was evident from the initially filed drawings, particularly in view of the entire set of drawings filed originally, nothing new has been added with such descriptions. The 105 numeral indicates an attachment means for the display holder to the stack of bags; 600, being a dotted line, indicates a nonvisible portion, that being the reinforcement means. The amendment to the paragraph on page 12 merely provided a description for number 214. This was clearly a pole to aid in the support of the prongs 216 of the display stand. The amendments to the paragraph beginning on page 13 merely correct typographical errors (107A and 107B were meant to be 1107A and 1107B, respectively). The amendment to the paragraph beginning on line 21 of page 11 of the originally filed specification merely expounded upon the information incorporated by reference within the parent applications (now patents) of the current application. The same is true for the amendments on page 15. Lastly, the amendment to the paragraph on page 17 wash merely to correct a typographical error (232 should have been 432). Again, no new matter has been added. Thus, Applicants respectfully request entry and due consideration of such amendments within this pending application.

The Office has objected to the drawings. In view of the amendments above, the vast majority of the bases of such objections has been rendered moot. The remaining issues pertain to either numbers that are actually both in the drawings and within the accompanying descriptions (number 107B finds support in both Figure 10 and on page 11, line 11, at least, of the originally filed specification; number 500 is within Figure 12 and at line 15 of page 17) or are not found by the Applicant upon review of the originally filed drawings (108' and 207A; there are numbers 108 and 107A, but Applicant fails to find these two numbers anywhere within the drawings). As such, it is respectfully submitted that the prior objections to the drawings have been overcome. Reconsideration and withdrawal thereof are thus earnestly solicited.

The Office has rejected Claims 4-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood what the basis of this rejection is. In claim 4, the requirement is that the perforations are about 0.125 inches in length with 4 such perforations present within each inch of material within the upward fold, while in claim 5, the perforations within the downward fold are each from 0.5 to 0.75 inches in length, and spaced about 0.875 to 1.125 inches apart. These are two different areas of the claimed article in which the perforations are present. All that is required is that a certain number of perforations be present in the upward fold exhibiting a specific length per perforation. Such is not indefinite. The downward fold requirements are similar in form, although they are defined in terms of variations in lengths per perforation, and variations in spacing between such perforations. It is respectfully submitted that the ordinarily skilled artisan would be able to discern these claim limitations

without any trouble. Furthermore, these limitations have been present within the parent applications that matured into U.S. Patents without any such rejections preventing the language from issuing as presumptively valid claims. Reconsideration and withdrawal thereof are thus respectfully requested of this basis of rejection.

The Office has also rejected Claims 1-3 and 9 under 35 U.S.C. § 102(b) as being anticipated by Sill et al.. The Office has also rejected Claims 1-5 and 9 under 35 U.S.C. §103(a) as being unpatentable over Sill et al. in view of Albright. Furthermore, the Office has rejected Claims 1-3 and 6-9 under 35 U.S.C. §103(a) as being unpatentable over Sill et al. in view of Huseman. Applicants have chosen to reply to these rejections simultaneously as they each rely upon the lack of teaching the presently claimed invention by the Sill et al. reference. Sill et al. appears to be very similar in scope to the presently claimed invention. However, there is at least one omission from patentees' teachings that prevents an anticipatory rejection from existing in this situation. Applicant clearly requires a reinforced holder to provide sufficient strength to withstand repeated tearing, etc., of the detachable biohazard bags. To provide this, the claims require "a display holder formed from a piece of cardboard, said piece of cardboard folded upward along an upward fold and downward along a pair of downward folds to thereby form a pair of opposing display holder flaps and an integral reinforcement member comprising a pair of opposing reinforcement member flaps". Such a specific claim requirement is not found anywhere within the disclosure of Sill et al. Patentees merely teach a simply single-folded cardboard (or like) article. As such, anticipation simply does not exist over the present claims.

In consideration of the obviousness rejections, there is no teaching or suggestion of any such reinforcement article within the Sill et al. reference (as noted above), nor within the cited secondary references. Without any such teaching, the combination of references cited by the Office simply does not constitute a proper basis of obviousness. The entirety of the claimed invention must be taught by individual references or by a combination of cited references. Without such an invention as a whole taught by the cited prior art, it is respectfully submitted that the current claims are allowable as written over these references. Reconsideration and withdrawal of each of these of these improper rejections are thus earnestly solicited.

CONCLUSION

In view of the amendments and remarks supplied above, it is respectfully submitted that the present claims of this application are now in condition for allowance and that this case be passed on to issue.

Respectfully submitted,

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September 13, 2007

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MARKED-UP AMENDMENTS TO THE SPECIFICATION IN 10/673, 797

The paragraph beginning on line 6 of page 11 of the originally filed specification has been rewritten to read as follows:

In Figures 6 and 10, the disposable rain protection devices suspended from the display holder 90 are disposable receptacles for umbrellas 106. The receptacles are shown stacked together in a set 101, attached to the display holder 90 via securing means 105 such as staples, thread, and the like. The display holder is releasably attached to a stand via a prong 408 through an aperture 604. The holder 90 exhibits an increased ability to withstand pulling forces through the reinforcement 600 of the double folded material therein (shown in greater detail in FIG. 8, depicted in total as items 701, 702, 703A, 703B, 704A, and 704B). As shown most clearly in Figure 10, each disposable receptacle for umbrellas 106 comprises an elongated bag having an open end 107A for receiving a wet umbrella and a closed end 107B for preventing water from the wet umbrella leaking from the receptacle. A set of large sized receptacles can be provided for large umbrellas, and a set of small sized receptacles can be provided for small umbrellas. As shown in Figure 6, each disposable receptacle for umbrellas 106 is preferably attached to the display holder via a suspension portion 80. The suspension portion 80 is detachably connected to the open end 107A of the elongated bag 106 by a frangible perforation 108, such that a selected disposable receptacle 106 may be selectively detached from the suspension portion 80 and the display holder by pulling the disposable receptacle 106 relative to the display holder to thereby

break the frangible perforation 108.

The paragraph beginning on line 21 of page 11 of the originally filed specification has been rewritten to read as follows:

FIG. 1 shows a side view of a preferred embodiment of a disposable rain hood 1 of the type disclosed in applicant's U.S. Patent 6,341,381, which is incorporated herein by reference. The rain hood 1 comprises generally, a pair of opposing flaps 2A, 2B, the flaps being composed of conventional plastic sheeting or other inexpensive rain impermeable material. In FIG. 1, flap 2A is shown partially folded back at a front-lower corner. The flaps 2A, 2B are attached to one another substantially along respective upper edges 10 thereof. The flaps 2A, 2B are further attached to one another substantially along respective rear edges 30 thereof. The upper 10 and rear 30 edge attachments provide a rain-impermeable barrier along the upper 10 and the rear 30 edges of the disposable rain hood. With the flaps 2A, 2B sealed together in the foregoing manner, the disposable rain hood 1 has a substantially open front edge 40 and a substantially open lower edge 20. The open front 40 and lower edges 20 permit the disposable rain hood 1 to receive a head and torso of a user 100, as shown most clearly in FIG. 2. The pair of flaps 2A, 2B are preferably formed from a single lengthwise sheet of plastic. In the preferred embodiment shown in FIG. 1, the sheet is folded substantially along a width-wise centerline 10 thereof to thereby form the pair of lengthwise opposing flaps 2A, 2B. The sheet is preferably about 37 by 30 inches (94 by 76 cm) prior to folding, which forms an approximately 37 by 15 inch (94 by 38cm) hood after folding. The fold 10 forms the upper edge 10 of the disposable rain hood 1, and the rear edge attachment 30 is preferably formed by heat sealing the rear edges 30 of the flaps to one another.

Such heat sealing methods are well known to those of ordinary skill in the art, but as far as is known such heat sealing methods have not been applied to disposable rain hoods as described herein. FIG. 1 shows an example of a heat seal 32 sealing rear edge 30. In another embodiment, the sheet is folded substantially along a length-wise centerline 30 thereof to thereby form the pair of lengthwise opposing flaps 2A, 2B. In this embodiment, the fold 30 forms the rear edge 30 of the disposable rain hood, and the upper edge attachment 10 is formed by heat sealing the upper edges 10 of the flaps 2A, 2B to one another. Alternatively, the disposable rain hood 1 can be formed from a pair of lengthwise sheets 2A, 2B, the two sheets being sealed together, preferably by heat sealing, to form the upper 10 and rear 30 edge attachments.

As shown most clearly in FIG. 2, the apparatus of the invention 1 is preferably further provided with a head stop 8. The head stop 8 serves to properly position the head of a user 100 in the disposable rain hood 1. The head stop 8 further attaches the respective flaps 2A, 2B to one another. The head stop 8 extends downward substantially from the sealed upper edge 10 of the disposable hood and extends substantially parallel to an upper portion of the sealed rear edge 30. The head stop 8 is positioned a sufficient distance from the open front edge 40 of the disposable rain hood 1 to thereby permit the head stop 8 to function as a rear barrier for a back portion of the head of the user 100 while the rain hood simultaneously shields the head of the user 100 from rain. The head stop 8 is preferably formed by heat sealing the flaps 2A, 2B to one another along the desired position of the head stop 8. Alternatively, stapling, stitching, or the like could be used to form the head stop 8. The disposable rain hood of the invention 1 is also preferably provided with at least one hole 50 positioned substantially along the forward edge 40 of each of the flaps

2A, 2B. The holes 50 are positioned to permit the forward edges 40 of the disposable rain hood to be selectively held together either by fingers of the user 100 or by a tie (e.g. string or a twist-tie) passing through the holes (the tie taking the place of fingers) to thereby secure the hood on the user, as shown in FIG. 2. This feature is designed particularly for windy conditions, where a light-weight disposable rain hood 1 could be blown off of a user 100 by a gust of wind. Although only one pair of holes 50 is shown in the drawings, additional holes 50 can be provided along the open edge 40 to thereby accommodate different sizes and preferences of users 100.

The paragraph beginning on line 12 of page 14 of the originally filed specification has been rewritten to read as follows:

FIGS. 3 and 4 show a preferred embodiment of the disposable rain hood 1 displayed on a display stand 200. Such stands are distributed by Custom Specialties & Supply, Inc. of Metairie, La. As shown in FIGS. 3 and 4, such display stands 200 comprise a base 202 for supporting the stand, a pole 210 extending substantially vertically upward from the base 202, and a pair of display prongs 216 positioned adjacent an upper end 212 of the pole 210 and held in place with a second, thinner pole 214 perpendicular to said prongs 216. The display stand 200 is also preferably provided with a sign holder 220 on the upper end 212 of the pole 210. In the embodiment shown most clearly in FIG. 4, the sign holder 220 consists of a pair of parallel plates 220 having an inwardly turned lower edge 222 and inwardly turned side edges 224, the inwardly turned edges providing a means for holding a sign insert. The sign insert can contain writing informing passers-by about the disposable rain hoods 1, 106 and/or can be provided with

advertising information.

The paragraph beginning on line 11 of page 13 of the originally filed specification has been rewritten to read as follows:

In Figure 15A, the items 106 suspended from the reinforced holder 701 are disposable biohazard container bags 1106. The biohazard containment bags 1106 are shown stacked together in a set 101. As shown most clearly in Figure 15B, each biohazard containment bag 106 comprises a generally elongated bag. Each bag preferably has two separate compartments, a front storage compartment 1109 and a rear storage compartment 1119. The front storage compartment 1109 is formed from a front sheet 1110F and a middle sheet 1110M. The rear front storage compartment 1119 is formed from a middle sheet 1110M and a rear sheet 1110R. The front storage compartment 1109 is designed to hold hazardous materials, and therefore has a re-sealable locking means 1105 for use in selectively sealing an opening ~~[[107A]]~~ 1107A. The re-sealable locking means 1105 is preferably a lengthwise clasp of the type sold on plastic bags under the trademark ZIPLOC. A permanently closed end ~~[[107B]]~~ 1107B prevents biohazard material from escaping from the bag 1106. As shown in Fig. 15A, a biohazard safety symbol is preferably imprinted on an out surface of front sheet 1110F. The rear storage compartment 1119 is designed to hold materials that do not pose a hazard. The rear storage compartment 1119 has a rear opening 1117A, which is simply a slot formed below the upper end of the rear sheet 1110R of the bag, as shown most clearly in Figure 15B.

The paragraph beginning on line 1 of page 15 of the originally filed specification has been rewritten to read as follows:

Although numerous designs and configurations can be used for the display stand 200, FIG. 5 shows a design for a base 202 for the display stand 200 that has been useful for displaying disposable rain protection devices 1, 106. [Details of the base of Figure 5 are discussed in applicant's U.S. Patents 6,341,381, U.S. Patent 6,389,723, and U.S. Patent 6,454,125, which are incorporated herein by reference.] The base 202 shown in FIG. 5 has a generally cylindrical opening 240 that extends substantially vertically into the base 202. Any of a number of configurations could be used for the base 202, provided that the base is light in weight (light weight being preferable to facilitate movement, repositioning, shipping and storage of the display stand 200) and is capable of maintaining the cylindrical opening 240, insert 310, and pole 210 in a substantially vertical orientation. The configuration of the base 202 shown in FIGS. 3 and 5 is a modified flattened cone which is circular when viewed from above. This configuration provides a solid base, minimizes the volume required for the base, and is esthetically pleasing. In the embodiment of the base 202 shown in FIG. 5, the vertical generally cylindrical wall 243 of the opening 240 is contiguous with the base 202. In this embodiment, the upper end 246 of the opening 240 forms a support for the insert 310 on the outer surface 234 of the base 202, as will be described in further detail below. Other support means could be provided, however, such as sizing the insert 310 and opening 240 such that the lower end 312 of the insert 310 rests on a closed bottom end 242 of opening 240. In order to minimize the weight of the base 202, the base

202 shown in FIG. 5 has a substantially hollow interior 235. In order to provide additional support to the base 202, particularly in view of the minimization of weight and materials used in forming the base, it is preferable to provide the interior 235 of the base 202 with a plurality of support ribs 245. The support ribs 245 preferably extend radially outward from the base opening 240. In a preferred embodiment, the support ribs 245 are contiguous with the exterior surface 244 of the opening 240. Additionally, in a preferred embodiment, upper edges of the support ribs 245 are contiguous with an interior surface 232 of the base 202. The insert 310 is positioned in the generally cylindrical opening 240 of the base 202. The insert 310 is preferably detachably engaged within the cylindrical opening 240 of the base, but it can alternatively be fixedly attached to the opening 240. As shown in FIG. 5, the insert 310 comprises a generally cylindrical body 316. The body 316 has a generally cylindrical opening 328 passing longitudinally through at least an upper end 314 thereof. In the embodiment shown in FIG. 5, the generally cylindrical opening 328 passes entirely through the body 316. As shown in FIG. 5, a plurality of longitudinal ribs 317 extend radially outward from the body 316. As shown in FIG. 4, the outer longitudinal edges 318 of the ribs 317 are sized to tightly abut against the interior wall 243 of the generally cylindrical opening 240 of the base 202, to thereby maintain the insert 310 in a substantially vertical orientation relative to the base 202. In the preferred embodiment shown in FIG. 5, a portion 319 of each of the ribs 317 of the insert 310 taper toward a lower end 312 of each of the ribs 317. The tapered end 319 of the insert 310 facilitates insertion of the insert 310 into the opening 240 in the base 202. An end plate 320 is preferably formed on an upper end 314 of the insert 310. The end plate 320 preferably has a diameter greater than the opening 240 in the base 202 to thereby support the

insert 310 on the base 202. A lower surface 322 of the end plate 320 is preferably contiguous with upper ends of the ribs 317. As shown most clearly in FIG. 5, an outer portion 326 of the end plate 320 extends beyond the edges 318 of the ribs 317, providing a support 326 for supporting the insert 310 on the upper end 246 of the opening 240 of the base 202. The pole 210 is sized to tightly fit within the opening of the insert 310. A lower end 218 of the pole 210 is positioned in the opening 328 in the upper portion 312 of the insert 310. With the insert 310 positioned in the opening 240 of the base 202, the pole 210 extends substantially vertically upward from the base 202. As indicated in FIG. 5, when the circumference of the pole 210 is properly sized relative to the circumference of the insert opening 328, the lower end 218 of the pole 210 may be inserted only a relatively short distance into the upper portion 312 of the insert opening 328, yet still maintain the pole 210 in a substantially vertical orientation.

The paragraph beginning on line 1 of page 17 of the originally filed specification has been rewritten to read as follows:

In the preferred embodiment shown in Figures 9-12, the bracket member 400 has two of the hooks 401. The bracket member also preferably further comprises an elongated bar 402. The elongated bar 402 is preferably fixedly positioned substantially along a lower edge ~~[[232]]~~ 432 of the sign holder 420. An upper end of the support portion 404 of each hook 401 is preferably fixedly positioned on either end of the elongated bar 402. This particular embodiment can be formed from a single piece of heavy steel wire (e.g., 0.5 cm diameter wire).